



Rule(s) Review Checklist Addendum
(This form must be filled out electronically.)

This form is to be used only if the rule(s) was/were previously reviewed, and has/have not been amended/repealed subsequent to that review.

All responses should be in **bold** format.

Document(s) Reviewed (include title): **WAC 458-20-254 Recordkeeping**

Date last reviewed: **March 4, 1999**

Reviewer: **Scott Amrine**

Date current review completed: **June 30, 2005**

Briefly explain the subject matter of the document(s): **This rule discusses the recordkeeping requirements of taxpayers who are liable for an excise tax. This rule also discusses microfilm/microfiche, automated data processing systems, options for providing records by out-of-state businesses, the consequences of failing to maintain and disclose complete and adequate records.**

Type an "X" in the column that most correctly answers the question, and provide clear, concise, and complete explanations where needed.

1. Public requests for review:

YES	NO	
	X	Is this document being reviewed at this time because of a public (e.g., taxpayer or business association) request?

If "yes," provide the name of the taxpayer/business association and a brief explanation of the issues raised in the request.

2. Related statutes, interpretive and/or policy statements, court decisions, BTA decisions, and WTDs: (Excise Tax Advisories (ETAs), Property Tax Advisories and Bulletins (PTAs/PTBs), and Interim Audit Guidelines (IAGs) are considered interpretive and/or policy statements.)

YES	NO	
	X	Are there any statutory changes subsequent to the previous review of this rule that should be incorporated?
	X	Are there any interpretive or policy statements not identified in the previous review of this rule that should be incorporated? (An Ancillary Document Review Supplement should be completed for each and submitted with this completed form.)
	X	Are there any interpretive or policy statements that should be repealed



		because the information is currently included in this or another rule, or the information is incorrect or not needed? (An Ancillary Document Review Supplement should be completed for each and submitted with this completed form.)
	X	Are there any Board of Tax Appeals (BTA) decisions, court decisions, or Attorney General Opinions (AGOs) subsequent to the previous review of this rule that provide information that should be incorporated into this rule?
	X	Are there any administrative decisions (e.g., Appeals Division decisions (WTDs)) subsequent to the previous review of this rule that provide information that should be incorporated into the rule?
	X	Are there any changes to the recommendations in the previous review of this rule with respect to any of the types of documents noted above? (An Ancillary Document Review Supplement should be completed if any changes are recommended with respect to an interpretive or policy statement.)

If the answer is “yes” to any of the questions above, identify the pertinent document(s) and provide a brief summary of the information that should be incorporated into the document.

3. Additional information: Identify any additional issues (other than those noted above or in the previous review) that should be addressed or incorporated into the rule. Note here if you believe the rule can be rewritten and reorganized in a more clear and concise manner.

The rule is written in a clear and concise manner. The rule begins by explaining the generic record-keeping requirements and continues with an explanation of what types of records typically need to be kept. The rule provides information specific for microfilm, microfiche, and automated data processing systems, then explains the consequences of not keeping organized and systematic records. Additional information relative to technological advances in record keeping would be helpful.

4. Listing of documents reviewed: The reviewer need identify only those documents that were not listed in the previous review of the rule(s). Use “bullets” with any lists, and include documents discussed above. Citations to statutes, interpretive or policy statements, and similar documents should include titles. Citations to Attorney General Opinions (AGOs) and court, Board of Tax Appeals (BTA), and Appeals Division (WTD) decisions should be followed by a brief description (i.e., a phrase or sentence) of the pertinent issue(s).

Statute(s) Implemented: **None**

Interpretive and/or policy statements (e.g., ETAs, PTAs, and IAGs): **None**

Court Decisions: **None**

Board of Tax Appeals Decisions (BTAs): **None**

Appeals Division Decisions (WTDs):

- **Det No 97-141 (17WTD326) – B&O TAX - SALES TAX – USE TAX – RECORDKEEPING REQUIREMENTS**



- Det No 98-133 (18WTD153) – B&O TAX – SALE – VALUE PROCEEDING OR ACCRUING – CONSIDERATION – BARTER
- Det No 97-134R (18WTD163) – RECORDKEEPING
- Det No 99-300 (19WTD477) – B&O TAX – SALES OF GOODS VS. COMMISSION INCOME – AGENT – IMPORTER
- Det No 99-287 (19WTD660) – RECORDS TO BE PRESERVED
- Det No 00-028 (20WTD32) – USE TAX – PUBLIC ROAD CONSTRUCTION VS. CUSTOM CONSTRUCTION – DUTY TO KEEP AND PRESERVE RECORDS
- Det No 00-043 (20WTD39) – WHOLESALING B&O TAX – ACCOMODATION SALE: AUTOMOBILE DEALER
- Det No 99-341 (20WTD343) – SALES TAX – AUDITS – TEST PERIODS – REASONABLE RESULTS
- Det No 01-005 (20WTD410) – EXCISE TAXES – CREDITING OR COMPENSATING TAXPAYER FOR COSTS INCURRED
- Det No 01-193 (21WTD264) – RCW 82.04.470, RCW 82.08.020, RCW 82.08.050, RCW 82.32.070: RETAIL SALES TAX – SELLER’S LIABILITY FOR – FAILURE TO TAKE RESALE CERTIFICATES – RECORDKEEPING REQUIREMENTS
- Det No 02-0115 (23WTD21) – RETAIL SALES TAX – RETAILING B&O TAX – RECORDKEEPING – FAILURE TO KEEP RECORDS
- Det No 04-0102 (23WTD340) – RETAIL SALES TAX – NONRESIDENT EXEMPTION - RECORDS

Attorney General Opinions (AGOs): **None**

Other Documents (e.g., special notices or Tax Topic articles, statutes or regulations administered by other agencies or government entities, statutes, rules, or other documents that were reviewed but were not specifically relevant to the subject matter of the document being reviewed): **None**

5. Review Recommendation:

- X** **Amend**
- Repeal/Cancel** (Appropriate when action is not conditioned upon another rule-making action or issuance of an interpretive or policy statement.)
- Leave as is** (Appropriate even if the recommendation is to incorporate the current information into another rule.)
- Begin the rule-making process for possible revision.** (Applies only when the Department has received a petition to revise a rule.)

Explanation of recommendation: Provide a brief summary of your recommendation, whether the same as or different from the original review of the document(s). If this recommendation differs from that of the previous review, explain the basis for this difference.

If recommending that the rule be amended, be sure to note whether the basis for the recommendation is to:



- Correct inaccurate tax-reporting information now found in the current rule;
- Incorporate legislation;
- Consolidate information now available in other documents (e.g., ETAs, WTDs, court decisions); or
- Address issues not otherwise addressed in other documents (e.g., ETAs, WTDs, court decisions).

Technological advances are constantly changing recordkeeping. For example, original records, including sales and purchase invoices, are becoming more difficult to obtain from taxpayers due to physical limitations for the storage of records. Microfilm and/or microfiche seem to be less prevalent. Automated data processing systems seems to be an outdated term. Electronic data storage including imaging and scanning, and access to records through electronic data retrieval systems is becoming more common. These issues should be addressed in an amended version of this rule.

6. Manager action: Date: 7/6/05

AL Reviewed and accepted recommendation

Amendment priority:

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